

Preliminary Amendment

Patent Case: CD0787Q1 4

**REMARKS****STATUS OF CLAIMS**

Prior to filing the RCE of June 7, 2005, Claims 8, 11 and 14 had been allowed. Claims 1-7, 9, 10, 12 and 13 had been canceled without prejudice. Claims 8, 11, 14, and 19-22 were previously presented. Claims 15-18 are herein canceled.

**CANCELLATION OF CLAIMS**

Claims 15-18, directed to crystalline polymorph Form II, pharmaceutical compositions incorporating Form II, and methods of treating and/or preventing fungal infections by administering Form II, are herein canceled.

**CONCLUSION**

It is believed that the application is in condition for allowance. Therefore, favorable action allowing pending Claims 8, 11, and 14, and 19-22 is respectfully solicited.

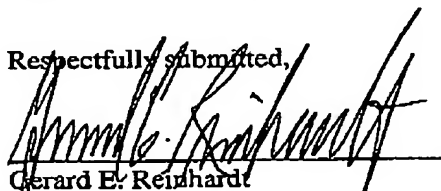
**AUTHORIZATION**

As this Preliminary Amendment is being filed prior to the issuance of the first Office Action, no late fees are believed due at this time. However, if any extensions of time become necessary for the entry of this Amendment, the Commissioner is petitioned for such extensions. Similarly, if any fees other than those explicitly enumerated herein become necessary for the entry of this Amendment, the Commissioner is authorized to charge such fees to the Applicant's deposit account no. 19-0365.

Any questions regarding this matter can be directed to the undersigned.

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Respectfully submitted,

  
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